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July 7, 1993

Catherine Garypie, Esq.
Assistant Regional Counsel
Office of Regional Counsel
U.S. EPA
77 W. Jackson Street
C M -3T
Chicago, IL 60604

Re: Powell Road Landfill in Huber Heights, Ohio
Our File No. C575/28499

Dear Ms. Garypie:

This letter is a follow up on our conversation on June 18, 1993, and my letter to you of the same date, both of which concerned your agreement to extend Clark County's time to respond to U.S. EPA's Request for Information dated August 2, 1993. Your professional courtesy in extending Clark County's time to respond is greatly appreciated. However, in view of the penalties which could be imposed upon Clark County for any "unreasonable" failure to respond by the original 30-day deadline, Clark County requests written confirmation from U.S. EPA reflecting its agreement to extend Clark County's time to respond.

In addition, during our June 18, 1993 conversation you indicated that U.S. EPA probably will not have its records from the Powell Road landfill organized for another three to four weeks. Therefore, as you suggested, we are attempting to obtain from Waste Management, Inc.'s copies of dump tickets, billing statements, and any other records which U.S. EPA possesses that prompted U.S. EPA's Request for Information from Clark County in this matter. Under the circumstances, if Clark County is not able to obtain copies of the relevant documents from U.S. EPA because your office needs more time to organize records from the Powell Road landfill, we anticipate that EPA will not object to a further reasonable

Catherine Garypie, Esq.
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extension of Clark County's time to respond to the Request for Information.

We will contact your office in about a week to find out if the Powell Road landfill records have been organized sufficiently to permit the approved copying services at your Chicago offices to locate the records we require in order to respond to the Request for Information. We look forward to receiving confirmation of Clark County's extended deadline. Again, your cooperation is greatly appreciated.

Please do not hesitate to call me if you would like to discuss these matters further.

Very truly yours,

EASTMAN & SMITH

A handwritten signature in cursive script, appearing to read "Albin Bauer".

Albin Bauer, II

AAB\grl

cc: Jeff Johnson, Assistant County Administrator
Tom Trempe, Esq., Assistant County Prosecutor

RECEIVED

JUL 09 1993

**U.S. EPA, Region 5
Office of Regional Counsel**